

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No: 11-20129

Hon: Robert H. Cleland

v.

D-29 DANNY RUSSELL BURBY, et al.

Defendant.

**REQUESTS AND NOTICES IN COMPLIANCE WITH
STANDING ORDER FOR DISCOVERY AND INSPECTION**

In compliance with the Standing Order for Discovery and Inspection entered in this case, Defendant DANNY RUSSELL BURBY, through his attorney, MICHAEL A. RATAJ, hereby provides the Government with the following requests and notices:

1. Any relevant oral, written or recorded statement made by Defendant (before or after the arrest) in response to questioning or interrogation by someone known to Defendant as a government agent, if the government intends to use this statement at trial, if this statement is within the government's possession, custody, or control, and if the attorney for the government knows – or through due diligence could know – that the statement exists. This includes any recorded testimony of the defendant before a grand jury relating to the charged offense;
2. A copy of Defendant's prior criminal record that is within the government's possession, custody, or control if the attorney for the government knows – or through due diligence could know – that the record exists;

3. Permission to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items if the item is within the government's possession, custody, or control and the item is material to preparing the defense; the government intends to use the item in its case-in-chief at trial; or the item was obtained from or belongs to the defendant. This includes copies of all search warrants, search warrant applications, return to search warrants, as well as copies of all Title III wiretap interception orders and applications, and the fruits therefrom;
4. Permission to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if the item is within the government's possession, custody, or control; the attorney for the government knows – or through due diligence could know – that the item exists; and the item is material to preparing the defense or the government intends to use the item in its case-in-chief at trial.
5. A written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial. If the government requests discovery under subdivision (b)(1)(C)(ii) and the defendant complies, the government must, at the defendant's request, give to the defendant a written summary of testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial on the issue of the defendant's mental condition. The summary provided under this subparagraph must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.

6. Any exculpatory evidence within the meaning of the “Standing Order”, paragraph 1(b), and/or *Brady v. Maryland*, 373 U.S (1963) and *United States v. Agurs*, 427 U.S. 97 (1976).
7. Any statement by persons who have possible knowledge or information relative to this case which are not protected from disclosure by 18 U.S.C. § 3500.
8. Any statement of witnesses within the meaning of 18 U.S.C. § 3500(e).
9. Notice is hereby given pursuant to the “Standing Order”, paragraph 5(b), that the foundation for any and all exhibits will be contested.
10. Notice is hereby given pursuant to the “Standing Order”, paragraph 6, that the chain of custody of any and all exhibits will be contested.
11. All requests for information, materials or evidence contained hereby are continuing and the prosecution is expected to immediately provide any additional information, materials or evidence as required by the “Standing Order”, paragraph 3, and/or Rule 16(c) of the Federal Rules of Criminal Procedure.
12. Notices contained herein will remain in effect unless expressly withdrawn.

Respectfully submitted,

/s/ Michael A. Rataj

MICHAEL A. RATAJ (P43004)

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Dated: July 23, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause and to each of the attorneys of record herein at their respective addresses as directed on the pleading(s) of July 23, 2012.

Delivery By:

☐ U.S. Mail
☐ Hand-Delivered (Court)
☐ Federal Express

☐ Fax
☐ Overnight Express
☐ E-mail

☒ E-File (ECF)

☐ Other

Signature: /s/ Megan E. Lang
Megan E. Lang